

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

MARK THORNE,)
Plaintiff,) NO. _____
v.)
THOMAS CROCKETT and) JUDGE _____
LANDSTAR RANGER, INC.,)
Defendants.) MAGISTRATE JUDGE
)
) JURY DEMAND

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, defendant Landstar Ranger, Inc. ("Landstar" or "Defendant"), by counsel, files this Notice of Removal of this action from the Circuit Court in Humphreys County, Tennessee, where it is now pending, to the United States District Court for the Middle District of Tennessee based upon diversity of citizenship and an amount in controversy exceeding \$75,000. The grounds for removal are as follows.

Procedural Background

1. This action was commenced on or about May 19, 2022 by Plaintiff's filing of the Complaint in the Humphreys County Circuit Court in Humphreys County, Tennessee, case no. 10477 (the "Complaint"). True and accurate copies of the pleadings served upon this Defendant in this action are attached as Exhibit A.

2. The Complaint was served on this Defendant on or about June 2, 2022. The Notice of Removal is being filed within thirty (30) days after service of the Complaint in the matter; therefore, the removal is timely in accordance with 28 U.S.C. § 1446.

3. The Complaint contains allegations of negligence against defendant Thomas Crockett in operating the vehicle without exercising ordinary and due care and for reckless

driving, thus leading to Plaintiff's injuries. It contains allegations of *respondeat superior* against this Defendant. Plaintiff seeks damages in amount not to exceed \$200,000 in his Complaint. Accordingly, it is clear that the amount in controversy exceeds \$75,000, such that this Court has jurisdiction over the matter.

4. According to the Complaint, Plaintiff is a citizen and resident of Perry County, Tennessee.

5. Defendant Landstar Ranger, Inc. is a foreign corporation organized under the laws of the State of Delaware with its principal place of business in Florida.

6. Defendant Thomas Crockett is a citizen and resident of the State of Ohio. Undersigned counsel will also represent Mr. Crockett in this matter, and he consents to the removal of this matter to the United States District Court for the Middle District of Tennessee.

7. The United States District Court for the Middle District of Tennessee has original jurisdiction over this action pursuant to 28 U.S.C. § 1332 as there is complete diversity of the parties, and the amount in controversy clearly exceeds \$75,000 exclusive of interest and costs.

8. A copy of this Notice of Removal is being served via email on counsel for Plaintiff, and a Notice of Filing of Notice of Removal is being filed with the Humphreys County Circuit Court in Humphreys County, Tennessee, in accordance with 28 U.S.C. § 1446(d). (Copies of those notices are attached as Exhibit B.) The necessary filing fees have been paid simultaneously with the filing of the Notice of Removal.

9. Defendant demands a jury to try this case.

WHEREFORE, Defendant prays this Court consider the Notice of Removal as provided by law governing removal of cases to this Court and that this Court enter the appropriate orders

to effect the removal of this case from the Humphreys County Circuit Court in Waverly, Tennessee to this Court.

Respectfully submitted,

LEWIS THOMASON, P.C.

By: /s/Mary Beth White

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Attorneys for defendant Landstar Ranger, Inc.

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing NOTICE OF REMOVAL has been served on the following counsel of record via email:

Allen M. Gressett, Esq.
Schwed, Adams & McGinley, P.A.
88 Union Center
88 Union Avenue
11th Floor, Suite 1100
Memphis, TN 38103

This the 28th day of June 2022.

/s/Mary Beth White